

REMARKS

Upon entry of the foregoing amendment, claims 5 and 27-33 are pending in the application with claims 5 and 27 being independent claims. Claims 1-4, 6-8, 22-24, 26, and 34 have been canceled without prejudice to the subject matter therein. Claims 9-21 and 25 were previously canceled. Independent claim 5 has been amended to remove the claim recitations added in the prior amendment of claim 5 and has been amended to include the subject matter of dependent claim 6. Also, claims 27-30 and 32-33 have been amended to remove some of the claim recitations added in the prior amendment of 27-30 and 32-33, thereby putting these claims substantially back into their form in the Amendment dated August 31, 2006. No new subject matter and no new claims have been introduced by these amendments, thus, a new search is not necessitated. Applicant respectfully requests that the Examiner enter the foregoing amendments and withdraw all outstanding rejections in view of the following remarks.

The Claims Comply with the Written Description Requirement

Claims 5, 7, 26, and 33 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner indicated that the claims contained subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Although the Applicant submits that the Detailed Description includes sufficient support for all of the subject matter contained in claims 5, 7, 26 and 33, claims 7 and 26 have been canceled and claims 5 and 33 have been amended, without prejudice to the subject matter therein, in order to further the prosecution of this case. Specifically, claims 5 and 33 were amended to remove the subject matter identified by the Examiner in the rejection; this removed subject matter that was previously added in the Amendment dated August 31, 2006. Therefore, the rejection under 35 U.S.C. § 112, first paragraph, has been rendered moot.

The Claims are Allowable Over the Faris Publication

Claims 5 and 27-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. US 2003/0047688 to Faris et al. (hereafter “the Faris publication”). These claims are patentable for the reasons discussed below.

Independent claim 5 has been amended to include the subject matter from its dependent claim 6. Claim 5 now recites a first plurality of droplets and second plurality of droplets where the second plurality of droplets is disposed on a medical device after modifying the direction of the second plurality of droplets such that the first plurality of droplets and the second plurality of droplets form interleaving zones on the medical device. For example, the specification describes coating the surface of the medical device with periodic variation between the two coatings. The Faris publication is entirely silent with regard to modifying a direction of a first plurality of droplets and/or a direction of a second plurality of droplets such that the first plurality of droplets and the second plurality of droplets form interleaving zones when disposed on a medical device.

Claim 27 recites modifying at least one of a direction, a velocity or an acceleration of a droplet using an optical field where the modifying is based on a characteristic indicating that the droplet is unacceptable for disposing on a surface of a medical device. Independent claim 27 further recites that the droplet is disposed, after the modifying, on a waste surface different from and proximate to the surface of the medical device. The Faris publication fails to disclose or suggest disposing a droplet on a waste surface based on a characteristic indicating that the droplet is unacceptable for disposing on a surface of a medical device. In fact, Faris is entirely silent with respect to a waste surface different from a medical device and silent with respect to disposing an entire droplet on a waste surface.

For at least on the reasons stated above, the Applicant respectfully submits that independent claims 5 and 27 are allowable over the Faris publication. Based at least on their dependence upon independent claim 27, dependent claims 28-33 are also allowable.

Thus, Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

CONCLUSION

Applicant believes that a full and complete response has been made to the outstanding rejections and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that further personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided. Prompt and favorable consideration of the Amendments to the claims and Detailed Description are respectfully requested.


The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

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Cooley Godward Kronish LLP
ATTN: Patent Group
1200 19th Street, N.W., 5th Floor
Washington, DC 20036
Tel: (703) 456-8000
Fax: (202) 842-7899

Respectfully submitted,
COOLEY GODWARD KRONISH LLP

By:



Daniel M. Bennett
Reg. No. 54,993